

JERSEY / JUDGMENT

AG -v- Bryce-Richards 10-Oct-2006

[2006] JRC 140 (10 October 2006)

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JUDGMENT

THE Commissioner: 1. Ryan Brice-Richards, I am well aware of the circumstances of this case, having presided over the trial of your wife, or former wife, 12 months ago. She was 44 and was convicted by a Jury after a trial on a charge of fraudulent conversion. She was subsequently sentenced to a period of 7 years' imprisonment. You were at that time in Spain and contesting extradition proceedings. Hence the trial of your wife in your absence. 2. Having been eventually extradited to this jurisdiction you have pleaded guilty, not to the same offence but to aiding and assisting your wife to commit that offence in certain respects. You are aged 56 and of previously good character. Not only have you pleaded guilty, but you have co-operated with the prosecution in their efforts to identify and realise assets which were due to be confiscated. Those are important matters. The Court wishes to make it clear that it will always give weight to a plea of guilty which results in the saving of time and costs and to a defendant's co-operation in whatever way with the prosecution, and that it will make a significant reduction in sentence to reflect those matters. 3. However, the offence to which you pleaded guilty was a gross breach of the trust reposed in your wife and to some extent yourself, when you admitted assisting her. It resulted in the obtaining and spending by both of you of nearly £1.8 million. It caused an elderly widow distress as to her financial stability. 4. Advocate Fitz, on your behalf, submits that notwithstanding all that we should impose a sentence upon you which would result in your immediate release. This was impressive advocacy but we cannot accede to it. The Court has to have regard to other aspects of the case, in particular the high reputation which Jersey enjoys, and which it seeks to maintain, as a centre of financial excellence and integrity. Therefore sentences for this type of offence must contain a deterrent element in an attempt to dissuade others from behaving dishonestly, as you did, and to demonstrate the concern felt in this Island for such offences. 5. Advocate Fitz has approached the question of sentence on an arithmetical and legalistic basis. The Court declines to follow her example. Sentencing is an art not a science. We propose to mention only two figures. First the starting point, which as all parties are agreed, is 7 years; and second the figure for the ultimate sentence which we impose. Before doing that we make it clear that the Court has taken into account not only the mitigating factors which have already been referred to, but also your loss of professional reputation, your ill health and the hardships which you have endured. We have read the Social Enquiry Report and your letter. 6. In

addition the Court has taken account of the fact that you have spent 8 months in custody in Spain awaiting extradition proceedings and that the Spanish Court expressed the view, which it voiced as a stipulation, that that time should be credited. As appears from the judgment of Sir John Nutting Q. C. in the case of Harrison -v- AG

[2004] JCA 046 the Court has a discretion to take such a matter into account, notwithstanding that a defendant may have brought it upon himself. In the interests of international comity this Court will take that matter into account in deciding upon the ultimate sentence. Sentencing is always a matter of discretion based on the facts of the case before the Court. 7. As I have said the Court declines to condescend to a specific arithmetical calculation. In its discretion the Court considers the appropriate sentence in your case is one of 3 years' imprisonment. Time spent in custody on remand in Jersey will of course count towards that sentence. The Attorney General seeks a Confiscation Order. The Court assesses your benefit at £1,650,184 and assesses your realisable assets as nominal. It therefore orders a Confiscation Order in the sum of £1. The prosecution has made it plain that, in the event and for whatever reason, the confiscation order made against your wife could not be enforced, it reserves the right to renew its application against you. 8. Application is made by the prosecution that Count 1 of the Indictment to which Ryan Edward Bryce-Richards has pleaded not guilty be left to lie on the file and so far as he is concerned, not to be proceeded with without the leave of this Court or the Jersey Court of Appeal. The Court notes Advocate Fitz's objection to that course, but nevertheless it is a course that seems right for the Court to adopt and, therefore, Count 1 will lie on the file on the usual terms which I have mentioned. Authorities Harrison -v- AG

[2004] JCA 046. Page Last Updated: 18 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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